

### REMARKS

Claim 5 has been amended to correct a minor clerical error, and also to remove reference to “mechanism” and any possible application of 35 U.S.C. § 112 paragraph 6. Non-elected claims 6-18 have been cancelled, and new claims 19-24 have been added to further scope the invention.

The rejection of the claims as obvious from Yamauchi et al. (Yamauchi) in view of Hirsch et al. (Hirsch), both newly cited, is respectfully traversed. The primary reference to Yamauchi is functionally and structurally different from Applicants’ claimed invention. In Yamauchi, the gas is introduced into the gas housing portion of Yamauchi’s “gas-liquid separate container”, and discharged from the liquid side of the container. In Yamauchi, the gas is not a fuel gas vaporized in a fuel container as required by Applicants’ claims, but rather a gas that results from chemical reactions in the fuel cell anode/cathode boundary (Yamauchi paragraphs 0068 and 0088-0092). Thus, Yamauchi is not concerned with increased pressure in a fuel cell’s fuel supply cartridge, and Yamauchi discloses a movable gas/liquid boundary to adjust for pressure changes, such as by introduction of more liquid into the liquid side of his “gas-liquid separate container” (paragraph 0089).

Thus, Yamauchi does not teach or suggest claim 2 since the fuel gas in the gas side of Yamauchi’s “gas liquid separator tank” is not at all equivalent structurally or functionally to the “vaporized liquid fuel” requirement of Applicants’ claim 2.

In the rejection, the Examiner acknowledges the primary reference, Yamauchi, does not disclose a shutter disposed within the fuel cartridge. However, as noted above, this is only one of several claim features missing from Yamauchi.

It is not seen that the secondary reference, Hirsch, supplies the missing teachings to Yamauchi to achieve or render obvious claim 2 or any of the claims dependent thereon.

The Examiner cites Hirsch as teaching a shutter disposed within a fuel tank near a methanol delivery film. Even assuming arguendo Hirsch is as the Examiner characterizes, it is submitted that Hirsch still does not supply the other aforesaid features missing from primary reference Yamauchi, to achieve or render obvious claim 2. Furthermore, Applicants submit that one skilled in the art would not look to combine Hirsch and Yamauchi in the manner suggested by the Examiner since Hirsch is similarly not concerned with accounting for pressure buildup in a fuel cell fuel supply cartridge. Rather,

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in Hirsch, the shutter functions as an adjustable fuel delivery regulation assembly (see abstract).

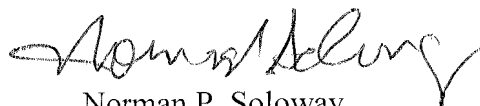
Claims 4 and 5 are directly or indirectly dependent on claim 2, and are allowable over the Yamauchi/Hirsch combination for the same reasons above adduced relative to claim 2, as well as for their own additional limitations.

New claims 19-24, which have been added to further scope the invention, are also allowable over the applied art for the same reasons above adduced relative to claim 2, as well as for their own additional limitations.

Having dealt with all the objections and rejections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

Fees under 37 CFR 1.17(a)(1) are being paid via EFS WEB. . However, in the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being deposited with the United States Patent Office via the electronic filing procedure on April 9, 2009 at Tucson, Arizona.



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